Secrt. IL-27—100,000—21-6-48.

Revenue (1948) Department.

SERIES.

D.O. No 2856

Dated 29.11.1

[Despatch Abstract.]

Delegation of powers - Powers of Collectors to write off irrecoverable arrears of stamp duty and penalty upto Rs.1000/- Recommendation of Retrenchment [illegible]

Received.

Copy of Board's Proceed ngs Mis. 1308 dated 24th September 1947 to the Secretary to Government, Finance (Re-organisation) Department with enclosures and copy to the Secretary to Government, Revenue Department.

RETRENCHMENT AND REORGANISATION - Delegation of larger powers to Distri ct Officers - Report submitted.

From the Government, Finance (Reorganisation) Department
Memo No.69086 Re.1/46, dated 19-12-1946.

RESOLUTION:

The Board submits the following report to the Government in the light of the instructions issued in their memorandum read above.

2. The primary intention underlying the suggestions made in the Government memorandum appears to be to effect a reduction in the officer any clerical strength of departments by reducting the volume of paper work, by making suitable delegation of powers and particularly by abolishing the regional (intermediate) officers. The Government have stated that a very large portion of the work now done by the regional officers is of a routine nature, having nothing to do with the efficienc, of departments, particularly of technical departments. The Board submits that in the Revenue Department there are no regional (intermediate) o ficers. So far as the Commercial Taxes Department is concerned the Deputy Commissioners carry out specific duties which are by no means 'Intermediate'. They are almost entirely inspecting officers, whose services are essential as the head of the department (the Commissioner) cannot possibly find time to inspect the officen of the Co mercial Tax Officers, Deputy Commercial Tax Officers and Assistant Commercial Tax Officers in addition to his revenue work.

A g od amount of delegation already exists in the Revenue Department proper, of which the District head is the Collector; However, from the xiew point of view of i proving the efficiency of administration and the despatch of business it is desirable to examine the question of further delegation of powers to the Boa d of Revenue and to Collectors. The Board considers that before the question is examined it may assist the Government to have before them a review of the existing position.

3. The present Revenue administration has, for historic reasons, gradually from a department which was intend d to collect land revenue for the East India Co. (and incidentally to maintain law and order which is highly necessary for the pur ose) into an 'omnibus' department which is expected not only to keep an eye on all the other dep rtments in the district but also expected to be ready to take over all kinds of new items of work which cannot be entrusted to other departments. Originally the rules and regulations of the department were so framed that "educated men" who entered the department were merely trained to put up all matters of importance to the covenanted officers of the Civil Service of the Foreign Government and were hardly entrusted with responsibility to pass orders of any importance or given scope for any initiative.

The dministration being in charge of a foreign power, it found it necessary to impose a complicated system of checks and balances and it was also working on the principle that only members of the covenanted services belonging to the British race were fit and suitable to exercise discretion and reach decisions on all major items and in all cases involving expenditure over the normal. The practice, therefore, was for almost everything involving comparatively large amounts of

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of revenue or the exercise of comparatively greater powers to be sent up to the Board and particularly to Government. They system naturally necessitated the existence of a large body of clerical staff to scrutinize the details of the proposals sent up by the next subordinate authority and to see that they conformed to the various provisions of the elaborate scheme of xchecks and balances laid down in rules, regulations and executive instructions. Final discretion being vested in the higher and in many cases the highest authorities, almost every case other than purely trivial and insignificant matter had to come up to Government or the Board. This system continued although, in the mean time, Indians began to occupy key posts in larger numbers and more and more work was thrust on the Revenue Department. The Subordinate Officials of this Province have in the process, with their over-developed sense of discipline, thoroughly fitted themselves into the rol assigned to them in the administrative machinery, and with their peculiar penchant for rules and regulations, so canalised the administration and disposal of business along narrow and rigid grooves that any departure from them is regarded as a major sin. There have no doubt been men of capacity who have occasionally attempted to display their individuality and assert themselves, but little scope was afforded for the exercise of their talents as they were probably put down as dangerous and undependable. It is only those who were able to suppress their individuality, either by a process of intense self-discipline or by a readiness to lose their souls, and who, by way of abundant caution, always asked for instructions, rather than run the risk of jeopardising their future by what may be considered by their superior to be a serious mistake in the exercise of discretion even in a single case - it is only those men who had any chance of being considered fit for a few posts of the covenanted ranks which were thrown open to them. As more and more additional work was placed on the shoulders of the Revenue Department, the rigidity of the administration rose to greater heights, and officers and men lost their individuality and soul and became mere wheels and cogs in the machine they had so assiduously built up. Application of common sense and discretion gave place to application of rules or an attempt to bring the case somehow within the four corners of some regulation or instruction. It is also possible that the entry of Indians into the more responsible posts in larger numbers necessitated, in the then administration's opinion, the passing of orders by Government themselves or by the Board in all cases involving revenue or expenditure therefrom, except the most trivial. Another noteworthy feature was the desire on the part of the administration to continue local practices or introduce special schemes locally, although they may have been at variance with common sense and with the practice laid down for or prevalent in the rest of the Province.

Thus a system of administration grew up which was an aggregate of local practices, varying orders and different schemes with very little uniformity in their application to the Province as a whole, and governed by a large volume of rules, regulations executive instructions. This naturally necessitated the employment of large bodies of poor-paid personnel to scrutinize cases with reference to the rules and instructions - all working under a few better paid officers and under a Government which were very jealous in the matter of parting with power even in respect of petty cases.

In other words, Government, instead of merely laying down policy and letting the head of the department and district heads administer such policy, and instead of merely keeping a check over the administration of such policy by means of appellate and revisionary powers and powers of

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powers of general supervision, insisted on individual cases involving revenue or expenditure therefrom, beyond certain limits, being sent up to them for orders. During the war, with man power resources badly strained and with the consequences of a policy of recruitment followed over a series of years, which facilitated the entry into the administrative machinery of only third and fourth rate personnel, becoming pronounced, certain delegations were made by the Government in favour of heads of departments and district heads. But this did not deal with the problem a equately. The present position therefore is that there is a large body of third and fourth rate personnel (the better types of candidates in the Province having found better employment on better terms elsewhere) dealing with the administration of individual problems within the limits allowed by a complicated system of rules and doing it inefficiently.

4. There can be no doubt that greater efficiency in the despatch of business can be secured by a simplification of rules but uniformity of their application throughout the Province and the employment of better types of personnel are even more important. This cannot be achieved merely by retrenching a few clerks and by merely making the rules simpler and more uniform in their appliation. Corruption and inefficiency having stepped in, the first task would be to root them out gradually, partly by direct recuitment, to a proportion of all types of executive posts, of bright young men of character who could administer the simplified rules conscientiously. The function of the smaller clerical staff would then be merely to put up the relevant papers, secure the records necessary for a decision and generally to assist the executive officers in routine duties. The delegation of powers to the better types of officers proposed would definitely reduce the volume of paper work. Mere delegation will not help as no one officer can deal with a large volume of cases now arising and the present staff ca not really be trusted.

The Board submits that the fundamental necessity would therefore be to make a simultaneous approach, by regulated stages, in the following directions:

(a) The Government to lay down policy and see that the policy is followed, by exercising powers of revision and general supervision but refraining from passing original orders in individual cases. The powers of revision should be exercised only in really important cases and, to the maximum extent possible, the final say in individual cases should rest with heads of departments.

(b) The Heads of the departments should function on similar lines, VIS A VIS their subordinate officers.

(c) Direct recruitment to the more important posts such as Deputy Collectors and Deputy Tahsildars, Commercial Tax Officers, and Assistant Commercial Tax Officers to be made from among bright young men in order gradually to build up a body of men who should be competent, efficient and honest and who could be trusted to discharge their functions without complaint.

(d) Simplification of the various rules and administrative and executive instructions and making them applicable uniformly throughout the Province, levelling up inequalities where they exist.

(e) With reference to those simplified and uniform rules, empowering the local officers to pass final orders in all cases in which local knowledge is most important, subject of course, to revision and appeal.

Any advance solely in one of the directions is not likely to secure the object in view. The Board has separately advocated, in different connections, the necessity for every one of the above measures. The separation of the Andhra Province may well facilitate simolification of the rules and their uniform application, for each of the two xxxxx. areas.

5. With the shortage of direct recruits and the employment of more senior covenanted officers on the numerous appointments which were necessary in the situation arising out of the recent war, a large number of promotions have had to be made from men who had been trained and drilled in the old traditions referred to in para 3 above. A large number of the present Collectors and almost all their subordinate officers come from this class. The Board considers that this is an abnormal feature as in the normal course, most of these posts will be filled by direct recruits. It is not surprising that these men, who by virtue of their training, are at their best in carrying out instructions, are not competant in positions where they are expected to display initiative, and that they have a tendency to be narrow in their outlook and look to G.Os. and Rules and to their Superiors for guidance. Allowance has to be made for this important factor, and the fact that the tone of the administration has deteriorated and corruption has increased in the districts should be borne in mind. There is another factor which has also to be taken into consideration. A number of senior officers of experience of this province have recently gone away and the administration has yet to adjust itself to this depletion. It is unsafe to embark upon any far-reaching measures for improving the present system of administration before taking careful stock of the present situation.

The Board would submit that before considering any steps for delegating powers on any large scale to local officers, it is necessary to create and train a body of men, who can be safely entrusted with these powers. It considers that this can be done by directly recruiting into the Revenue Department e.g., to the categories of Deputy Collector, Deputy Tahsildars and Probationary Revenue Inspectors, a number of young men of capacity with a broad outlook and a high sense of duty and that any re-organisation of the Department will have to wait for some time till these recruits are large so as to admit of being spread all over the Province. For the present, the Board would suggest that the existing system under which all important orders are passed by senior officers of experience may continue, so that they may be in correct traditions and shape the course of the developmentofthe department at the present critical juncture. With heavier responsibilities and numerous problems connected with the transition from war to peace and the execution of development programmes ahead of it, the tone of the Revenue Department, which is the back bone of the administration will have to be maintained and improved before it can stand the impact of any experiment in its constitution and methods of working, attempted in advance of the measures suggested in para 4 above.

6. As regards effecting a reduction in the amount of paper work the Board desires to point out that the main types of cases which involve a large amount of paper work fall under the following four broad classes:-

(a) those in which orders of a superior authority have to be obtained because of the fixation of certain arbitrary limits of value of the subject matter below which only subordinate authorities are competent to deal with such cases, e.g., assignments of land, write off of arrears etc.

(b) proposals for additional establishments to deal with the additional items of work.

(c) reports called for in cases which subordinate authorities are competent to dispose of; appeals against orders of authorities which are usually final.

(d) submission of elaborate periodical returns, many of which are probably unnecessary.

As regards (a), the Board considers that in view of the existing inflationary position and the high prices ruling, the e is a strong case for enhancing the limits mentioned in proportion to the increase in prices. It suggests that in addition, cases in which the decision will depend practically entirely on local inspection and knowledge should be left for local officers or the district head to decide and should be required to be sent up.

As regards (b), every case of creation of posts - even those of peons - has now got to go to Government. The proposals have to be formulated, amended and finally sugbmitted involving scrutiny and a large volume of work all along the line. The Board suggests that instead of this, each Collector might be allowed to spend on additional staff, absolutely found necessary by him, up to a total of 5% over the sanctioned expenditure in the Budget for his district. He should come up for the sanction of the Government only where and when the 5% limit will be exceeded. If the Government prefer, Collectors may be empowered to incur expenditure on additional staff up to 2½% only of the Budget allotment on the expenditure side and the head of the Department up to another 2 % over and above the Collector's 2½%. The Board considers that provided men of the proper calibre are chosen as Collectors and Heads of Departments, there should no difficulty in trusting them to do their work in this regard conscientiously and fairly.

The number of cases falling under class (c) are now large and the Hon'ble Ministers themselves have pointed out to the public the undesirability of worrying them over petty individual cases. In course of time this type of paper work will be reduced to the mininum, particularly as the public gain confidence in the integrity and thoroughness of public servants including Heads of Departments.

A review of all periodicals will be taken up as soon as time and office work permit.

The Board submits that the measures suggested above will, to a large extent, reduce the volume of paper work and give more time for the executive staff concerned to look to the needs of the people than is possible at present. But it considers that no reduction in the executive staff will be possible although some reduction in the clerical staff should be capable of achievement in due course. The present executive staff is grossly overworked and the above proposals are intended to give them more time to attend to their duties properly and thoroughly.

7. The Board has proposed in the enclosed statement certain further proposals for delegation of powers to itself and to such officers subordinate to it, in the light of the instructions in the Government Memorandum and the comments above. It, however, considers that these delegations alone will not make any real difference but they may nevertheless be tried. The further report on the continuance of the existing war-time delegations beyond 31-12-1947 or

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or making them permanent called for in para 5 of G.O.No. Ms. 1370 , Revenue, dated 6-6-1947 will be submitted to Government before 31-10-47.

8. To sum up, the Board submits that:

(i) the proposals for delegation in the statement attached may be approved, although these by themselves will not make any real difference to the solution of the problem of reducing unnecessary paper work and effecting suitable retrenchment.

(ii) it will be undesirable in view of the difficult conditions ahead to contemplate any further delegations to officers in the districts before first improving the tone of the Revenue Department and recruiting and training personnel of better quality and that until this is achieved the existing system may continue.

(iii) that some reduction of paper work may be affected by adopting the courses suggested in para 6 above, but that this, while it may afford more time to the executive staff to do their work properly, will not authmatically assist to achieve a reduction of establishments in the near future.

(iv) A more radical solution is required. The Problem can be solved completely only by making a simultaneous approach, by regulated stages, on the five lines mentioned in para 4 above.

Sd. x x
for Secretary.

To the Secretary to Government, Finance (Reorganisation) Department.

ENCLOSURE TO B.P.MIS.1308, DATED 24-9-47.

STATEMENT.

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1. Powers to be delegated to Collectors and subordinate officers.

1. B.S.O. No.21 - Collectors may be empowers to order private sales of town sites of the description mentioned in para 14 of B.S.O. 21 where the market value does not exceed Rs.1000/

2. B.S.O. 24 - Alienation of land in favour of local bodies under B.S.O. 24 (2) - The limit may be fixed at Rs.3000/- instead of the present limit of Rs.1500/-

3. The Indian Court Fees Act - write off of irrecoverable arrears of stamp duty in pauper suits. The limit for Collectors may be raised from Rs.500Ø- to Rs.1000.

4. B.S.O. 39 - Write off of irrecoverable arrears of land revenue. The limit for Collectors may be raised from Rs.100 to Rs.250 in each case.

5. L.I.L. & A.L. Acts - Write off of irrecoverable arrears of advances made under the provisions of the Acts if the work for which the loan was sanctioned has failed from causes beyond the borrower's control - The limit for Collectors may be raised from Rs.500/- to Rs.1000/- each case.

6. Arrear claims of local bodies relating to cesses - The limit for Collectors may be raised from Rs.100/- to Rs.500.

7. The Indian Stamp Act - write off of irrecoverable arrears of stamp duty and penalty - The limit for Collectors may be raised from Rs.500 to Rs.1000.

8. Purchase of books like Acts, Codes, sets of rules, Law reports etc. - The limit for Collectors of Rs.25/- a year may be raised to Rs.100

9. B.S.O. ~~39~~ 39 - Remission of Fishery Rentals. The power to grant remission upto a limit of Rs.250/- in each case may be delegated to Collectors.

10. Takkavi Manual - Item III, Sec. I - Grant of loans under the Takkavi Manual - The limit for Collectors may be raised from Rs.2500 to Rs.5000 in each case.

11. B.S.O. 24 - Alienation of land revenue in the case of land revenue on roads and appurtenances thereto. The limit for Collectors may be raised from Rs.3000 to Rs.10000.

12. Special Funds Code Art. 49 - Sanction of arrear claim of pay and allowances to special Fund Establishments - Collectors may be empowered to dispose of all claims for arrears irrespective of the period involved.

13. Appointments, leave, transfers etc. of the non-gazetted staff. The revenue division may be made a unit for lower division clerks and typists and complete powers of appointment, transfer leave, dismissal (but not promotion) may be delegated to Revenue Divisional Officers.

14. F.R. 49 - sanction of charge allowance to non-gazetted officers- Collectors may be empowered to sanction charge allowance upto a period of one month.

15. Rural Water Supply Scheme - Collectors may be empowered to sanction the sinking of wells in the case of village with a population of less than 500.

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16. Renewal of Lanka leases without auction. - Collectors may be granted the power to renew leases on existing rentals.

17. Sub-treasuries and collecting depots, inspection by Revenue Divisional officers and Treasury officers - It would sufficiea if sub-treasuries and collecting depots not inspected by the Treasury officers are alone inspected by the Revenue Divisional Officers except when the Collector thinks that inspection by Revenue Divisional Officer also is necessary of specified branches of work in sub-treasuries inspected by the Treasury Officer. This will avoid unnecessary waste of time in double inspection.

18. Special Fund Code - Art. 22 - Collectors may be empowered to sanction estimates upto Rs.2000 for construction of chavadies and cattle pounds except in the districts of South Kanara, Malabar and Nilgiris and the Agency tracts of Visagapatam, East Godavari, West Godavari where Collectors may be empowered to sanction estimates upto Rs.2500. The present limit of Rs.1000 and 1250 respectively were prescribed in 1930 when materials were not half as costly as they are now.

19. B.S.O. 4(12) - Cancellation of revenue sales confirmed by Revenue Divisional Officers after three months of their confirmation. This power which now vest with the Board may be delegated to the Collectors.

20. B.S.O. 45 (4) - Return Re-assignment of bought in lands to their original owners. This power which now vests with the Board may be delegated to the Collectors.

21. Reparis to tents - The limit of Rs.30 for Collectors may be raised to Rs.100 in view of the increased cost of materials.

22. Creation of temporary posts in districts - vide body of the report, paragraphs.

II. POWERS TO BE DELEGATED TO THE BOARD.

Purchase of stores. The limit of Rs.500/- fixed for the Board for the purchase of locally made articles of furniture may be raised from Rs.500 to Rs.2000. The limit for Collectors remain the same as it is now.

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GOVERNMENT OF MADRAS
Abstract.

Delegation of powers - Powers of Collectors to write off irrecoverable arrears of stamp duty and penalty upto Rs.1000/- - Recommendation of Retrenchment and Reorganisation Committee - Negatived.

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